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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 Alberto Teotico Jacinto,

12 Plaintiff,

13 vs.

14 Carolyn W. Colvin, Acting Commissioner for
15 Social Security

16 Defendant.

Case No. 4:15-cv-03516- DMR

STIPULATION AND ~~[PROPOSED ORDER]~~
SETTLING ATTORNEY'S FEES AND COSTS
PURSUANT TO THE EQUAL ACCESS TO
JUSTICE ACT, 28 U.S.C. § 2412(d)

17 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
18 subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to
19 Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND EIGHT HUNDRED
20 FIFTY DOLLARS (\$4,850.00) and costs in the amount of FOUR HUNDRED DOLLARS (\$400.00), the
21 total amount being FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$5,250.00). This amount
22 represents compensation for all legal services rendered and costs advanced on behalf of Plaintiff by
23 counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

24 After the Court issues an order for EAJA fees, expenses and costs to Plaintiff, the government
25 will consider the matter of Plaintiff's assignment of EAJA fees and expenses and costs to Plaintiff's
26 attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to honor the assignment will
27 depend on whether the fees, expenses and costs are subject to any offset allowed under the United States
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Department of the Treasury's Offset Program. After the order for EAJA fees, expenses and costs is entered, the government will determine whether they are subject to any offset.

Fees, expenses and costs shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Geri N. Kahn, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel at

465 California Street, Suite 609

San Francisco, CA 94104

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, expenses and costs, and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses and costs in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

Respectfully submitted,

Dated: June 2, 2016

/s/ Geri N. Kahn

GERI N. KAHN

Attorney for Plaintiff

Dated: June 2, 2016

BRIAN STRETCH

United States Attorney

DEBORAH L. STACHEL

Acting Regional Chief Counsel, Region IX

Social Security Administration

By: /s/ Jennifer Tarn

JENNIFER TARN

Special Assistant U.S. Attorney

[by email authorization 06/02/2016]

Attorneys for Defendant

ORDER

APPROVED AND SO ORDERED: IT IS ORDERED that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$4,850.00) and costs in the amount of FOUR HUNDRED DOLLARS (\$400.00), subject to the terms of the parties' stipulation.

Dated: June 8, 2016

DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE

